

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LEOPOLDO CARDENAS,

Plaintiff,

V.

ELDON VAIL, *et al.*

## Defendants.

CASE NO. C09-5602RJB/JRC

ORDER GRANTING  
APPLICATION TO PROCEED *IN  
FORMA PAUPERIS* AND  
DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

The Court, having reviewed plaintiff's application to proceed in forma pauperis (Dkt # 1) and further submissions, does hereby find and ORDER.

(1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefor. Accordingly, plaintiff's application to proceed as a pauper is GRANTED. As set forth below, an initial partial filing fee will be collected, and plaintiff is required to make monthly payments of 20 percent of the preceding months income credited to his account until the full amount of the filing fee is satisfied.

(2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in forma pauperis, the agency having custody of the above named plaintiff is directed to

1 calculate an initial partial filing fee equal to 20 percent of greater of -- the average monthly  
2 deposits to the prisoner's account or the average monthly balance in the prisoner's account  
3 for the 6-month period immediately preceding the date of this Order. The initial partial filing  
4 fee should be forwarded to the court clerk as soon as practicable.

5 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
6 directed to collect and forward payments equal to 20 percent of the prisoner's preceding  
7 month's income credited to the prisoner's account. In the event that the monthly payment  
8 would reduce the prisoner's account below \$10.00, the agency should collect and forward  
9 only that amount which would reduce the prisoner's account to the \$10.00 level. Please note  
10 that this \$10.00 limit does not apply to the initial partial filing fee described above. Finally,  
11 the monthly payments should be collected and forwarded to the court until the entire filing  
12 fee (\$350.00) for this matter has been paid.

13 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
14 and a copy of this Order, along with a copy of plaintiff's Acknowledgment and Authorization  
15 portion of the IFP application, to the attention of the inmate account manager (IFP account  
16 manager) at the Washington State Department of Corrections.

17 DATED this 27<sup>th</sup> day of October, 2009.

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J. Richard Creatura  
United States Magistrate Judge